



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SOUTHEAST REGIONAL OFFICE

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Commissioner

April 12, 2006

U.S. Environmental Protection Agency,  
Region 1  
One Congress Street, Suite 1100 HBR  
Boston, Massachusetts 02114-2023

RE: NEW BEDFORD-BWSC/SMP RTN: 4-0601  
Former Aerovox Facility  
740 Belleville Avenue

Attn: Ms. Cynthia E. Catri  
Senior Enforcement Counsel

EE/CA Review  
Applicable or Relevant and Appropriate  
Requirements

Dear Ms. Catri:

The Massachusetts Department of Environmental Protection, (MassDEP) has reviewed the Engineering Evaluation/Cost Analysis, (EE/CA) for the former Aerovox Facility on Belleville Avenue that was prepared for the United States Environmental Protection Agency (EPA) by Blasland, Bouk & Lee, Inc. in August of 1998, inclusive of the March 2006 update prepared by the EPA.

As a result of this review, MassDEP has identified additional action specific Massachusetts Applicable or Relevant and Appropriate Requirements (ARARs) for this location which are not included in the ARAR tables of the 1998 EE/CA, or the March 2006 update. Below are excerpts from the State regulations that the Department of Environmental Protection would like the EPA to consider as the removal action at this location progresses, in addition to those already included in the 1998 EE/CA.

New Alternative #1 proposes to use "...approximately 27,200 cubic yards (cy) of available disposal volume..." provided by the basement of the manufacturing building to dispose of the approximate 18,300 cy of demolition waste to be generated by the demolition of the manufacturing building. This alternative will result in the creation of a solid waste landfill as defined in 310 CMR 19.000 on the Aerovox site. As such MassDEP's regulations pertaining to citing and constructing a solid waste landfill apply.

The regulations at 310 CMR 19.000 (effective date 10/7/05) are the Solid Waste Regulations and Site Assignment Regulations for Solid Waste Facilities and 310 CMR 16.00 (effective date 6/8/01) promulgated by the Department under M.G.L. c.111, §§150 and 150A ½

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

MassDEP on the World Wide Web: <http://www.mass.gov/dep>

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and c.21A Section 2 and 8. (please see the MassDEP web page at: <http://www.mass.gov/dep/recycle/laws/regulati.htm#sw>) Please refer to the following specific citations for additional information:

- 310 CMR 16.40 Site Suitability Criteria: lists location and setback criteria to be considered when determining if the site is suitable for a proposed landfill
- 310 CMR 19.017 Waste Bans: The Department may restrict or prohibit the disposal, or transfer for disposal, of certain components of the solid waste stream.
- 310 CMR 19.110 Groundwater Protection Systems: provides the general performance and design standards for landfill liners and final cover systems.
- 310 CMR 19.112 - Landfill Final Cover Systems: provides general performance and design standards for final cover systems.
- 310 CMR 19.115 - Storm Water Controls: provides general performance and design standards for storm water controls.
- 310 CMR 19.116 - Surface and Ground Water Protection: provides general requirements control of runoff and leachate.
- 310 CMR 19.117 - Air Quality Protection Systems: provides general performance and design standards for air quality protection.
- 310 CMR 19.118 - Ground Water, Surface Water and Gas Monitoring Systems: provides general performance and design standards for ground water, surface water and gas monitoring systems.
- 310 CMR 19.121 - Landfill Gas Recovery Operations: provides general performance and design standards for landfill gas recovery systems.
- 310 CMR 19.130 (1), (15)(a) and (e), (18), (19), and (20) - O&M Requirements: provides general performance and design standards for operation and maintenance of a landfill.
- 310 CMR 19.132 - Environmental Monitoring Requirements: provides general performance and design standards for environmental monitoring.
- 310 CMR 19.133 - Maintenance of Environmental Control and Monitoring Systems: provides general maintenance requirements for environmental monitoring systems.
- 310 CMR 19.143: Post-closure Use of Landfills: Any person proposing to use a landfill for any purpose following closure of a facility shall submit plans for the post-closure use to the Department for review.


In addition, the MassDEP Guide to Regulations for Using or Processing Asphalt, Brick & Concrete Rubble (see <http://www.mass.gov/dep/recycle/laws/abc.htm>) should be evaluated as guidance "to be considered" during design and execution of the removal action at this location.

As the EE/CA states, should New Alternative #1 be the selected removal action, the future use of the Aerovox site will be limited by the proposed construction of a landfill at that location. The major problems encountered in post closure development of a landfill include: differential settlement of the solid waste; generation of leachate and landfill gas; and the need to continue to monitor and maintain the landfill. These factors should be considered by the cleanup vendor in weighing the decision whether to pursue New Alternative #1.

In addition, this site shall not be deemed to have had all the necessary and required response actions taken unless and until all substantial hazards presented by the release have been eliminated and a level of No Significant Risk exists or has been achieved in compliance with M.G.L. c.21E and the Massachusetts Contingency Plan at 310 CMR 40.0000 (MCP). The MCP requires persons undertaking response actions at a site to submit to the Department a Response Action Outcome Statement prepared by a Licensed Site Professional upon determining that a level of No Significant Risk already exists or has been achieved at the site.

If you have any further questions relative to the information contained in this submittal, please contact Scott Sayers at the letterhead address or at 508-946-2780.

Sincerely,



Gerard M.R. Martin, Chief  
Site Management & Enforcement Section

M/SS/re

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fc: The Honorable Scott W. Lang, Mayor City of New Bedford  
New Bedford Health Department

ec: DEP-Boston  
Attn: Jay Naparstek, BWSC  
Paul Craffey, BWSC  
Joe Coyne, BWSC

DEP-SERO  
Attn: David Ellis, Chief, Solid Waste Section  
Mark Dakers, Solid Waste Section

U.S. Environmental Protection Agency, Region 1  
Attn: Dave Dickerson (dickerson.dave@epa.gov)